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C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000839

NOFORN  
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EUR (JONES), EUR/SCE (HOH, FOOKS, STINCHCOMB), S/WCI  
(WILLIAMSON, VIBUL-JOLLES), INR (MORIN), EUR/ACE (KEETON),  
INL (CARROLL, SIMIC); NSC FOR HELGERSON; OSD FOR BEIN; DOJ  
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TAGS: [PGOV](#) [PREL](#) [PINR](#) [KCRM](#) [KAWC](#) [PHUM](#) [BK](#)

SUBJECT: BOSNIA: STATE OF PLAY ON SREBRENICA-RELATED WAR  
CRIMES CASES

REF: A. 08 SARAJEVO 1087  
[1](#)B. 08 SARAJEVO 1236  
[1](#)C. 08 SARAJEVO 1810  
[1](#)D. 08 SARAJEVO 1476  
[1](#)E. SARAJEVO 732

Classified By: CDA Judith B. Cefkin for Reasons 1.4 (B) and (D)

[1](#)1. (C) SUMMARY: With the fourteenth anniversary of the genocide that took place in and around Srebrenica in July 1995 upon us, we thought it would be useful to review the progress made and the challenges faced by the State Prosecutor's Office Special Department for War Crimes (SDWC) investigating and prosecuting Srebrenica-related war crimes. Since the February 2007 International Court of Justice (ICJ) verdict that elements of the Army of Republika Srpska committed genocide in and around Srebrenica in July 1995, victims groups and the Bosniak political leadership have criticized the SDWC for moving too slowly on these cases (Ref A). Over the past year, this criticism has decreased somewhat due to SDWC's increased public outreach efforts and perhaps to the historic Kravica decision (Ref B), which seems to have given SDWC some breathing space. However, the nature of SDWC's work means that it can not meet the expectations of victims groups and the Bosniak political leadership who expect quick results. Nor can SDWC expect to win appreciation for its ability to produce greater results with decreased resources or for the additional burdens it faces with the uncertainty over the extension of the internationals' presence past December. This means that Srebrenica will continue to remain a potential flashpoint for the foreseeable future. END SUMMARY

SDWC Doing More Work With Less  
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[1](#)2. (C) The work of the State Prosecutor's Office on Srebrenica-related cases continues to remain the focus of attention for victims groups, the Bosniak political leadership, and the international community. Over the past year, criticism from victims groups and the Bosniak political leadership of the office's alleged failure to make these cases a priority has decreased somewhat. It appears that the State Prosecutor's Special Department for War Crimes (SDWC) may have won some reprieve with the State Court's historic July 2008 decision to convict seven out of 11 defendants on genocide charges in the Kravica case (Ref B). However, SDWC's work continues to be scrutinized, and it can be thrust into the political spotlight by those seeking to advance

narrow political interests at a moment's notice.

¶3. (C/NF) With the support of State Prosecutor Milorad Barasin, who has given SDWC the latitude to do its work, SDWC remains focused on conducting investigations which would likely lead to successful prosecutions as well as prosecuting ongoing cases. Its work remains challenging since there are few survivors of the genocide in Srebrenica (less than 15), and more than 90 percent of the team's witnesses are hostile witnesses (Ref A). In addition, national investigators pursuing cases in the Eastern RS continue to be subjected to verbal and physical intimidation and threats. To further complicate matters, within the past year, the Srebrenica Team lost some of its much-needed resources; it now has just one international prosecutor (rather than two) and two international investigators (instead of four). The BiH Parliament's decision to significantly reduce the State Court's and the State Prosecutor's 2009 budget is also having a deleterious effect on the SDWC and the Srebrenica Team, leaving them with fewer financial and human resources. Uncertainty over the extension of the mandates of the internationals working in SDWC, and the knowledge that there is no funding to replace the internationals with nationals, have also placed additional burdens on SDWC, such as by making decisions about case management more difficult.

#### Update on the Kravica and the Srebrenica List Cases

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¶4. (C/NF) The Srebrenica Team's top priority remains the Kravica and the Srebrenica List cases. Regarding Kravica,

SARAJEVO 00000839 002 OF 003

the team is working on the appeal of the seven individuals who were convicted in the case. Investigations against 35 active duty RS police officers whose names appear on the Srebrenica list (a list of over 800 individuals who served in or near Srebrenica in military and non-military capacities between July 10-19, 1995) are continuing to progress, albeit more slowly than victims groups would like. To date, the Srebrenica team has issued orders to cease the investigation of 19 police officers due to insufficient information in case files to support indictments. It is continuing to investigate 16 other officers, including one who has been indicted.

#### Other Srebrenica Cases

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¶5. (C) In addition to the Kravica case and Srebrenica list cases, SDWC is continuing its work on other Srebrenica-related cases. These include:

-- Milorad Trbic, an "11bis case" (transferred from the International Criminal Tribunal for the former Yugoslavia to Bosnia) is charged with genocide. Closing arguments are expected to begin in August.

-- Zoran Tomic and Radomir Vukovic are also accused of genocide. They were initially indicted as part of the larger Kravica case, but was separated from it later. The case is in trial.

-- Zdravko Bozic, Mladen Blagojevic, Zeljko Zaric, and Zoran Zivanovic, who are accused of crimes against humanity. Bozic and Blagojevic were deported from the U.S. in 2006. The Court found Blagojevic guilty of crimes against humanity in November 2008 and handed him a seven year prison sentence. It acquitted his co-defendants. The case is on appeal. (See Ref C)

-- Zeljko Ivanovic is accused of genocide. His case is in trial.

-- Momir Pelemis and Slavko Peric (Ref C) are accused of genocide. Their case is in trial.

¶6. (C/NF) The Srebrenica Team also has several new investigations underway. They include an investigation into the murders of 1000 Bosniaks at Petkovici near Zvornik;

investigations linked to (primary, secondary, and tertiary) mass graves found in the Srebrenica area against individuals involved in the digging, removal and transportation of bodies -- not just shooters; and an investigation against military police hierarchy believed to have been involved in killings at Orahovac in Zvornik. The Srebrenica Team is also investigating 67 suspects residing in the U.S., of which 10 are expected to be deported back to Bosnia. It is currently working with Department of Homeland Security and other USG officials on the deportation of an individual from Massachusetts who has confessed to participating in killings.

#### Property Claims

17. (C/NF) Over the past year, the Srebrenica Team has delved into a new issue area: compensation for victims' families. A contact told us that the Srebrenica Team is the first out of six in SDWC that has begun notifying the families of victims of their right to file civil suits against suspected war criminals for their pain and suffering.

Although the BiH Criminal Code requires the State Prosecutor's Office to carry out this function, the Office had not fulfilled this obligation in the past. Our contact further informed us that to date, the team has sent out 2500 letters to victims in the Trbic case, and since then, has been bombarded with queries by addresses and lawyers. This contact added that the decision to notify victims' families of their right to file property claims has been widely welcomed by the victims' groups who see the initiative as an example of the State Prosecutor's Office making good on its obligation to deliver justice. (Note: It remains unclear who would ultimately be held responsible for damages if these cases were to be processed by the courts. End Note)

#### Public Outreach

SARAJEVO 00000839 003 OF 003

18. (C) SDWC has also increased its public outreach to the Mothers of Srebrenica and other victims groups over the past year. It has focused much of these efforts on explaining the new case selection criteria being used in Srebrenica and other war crimes cases, the use of plea bargaining (a concept with which the public is still largely unfamiliar), and more generally, the difficulty SDWC faces in investigating and prosecuting war crimes. Thus far, however, these efforts have produced mixed results as victim groups representing all three constituent peoples -- Bosniaks, Serbs, and Croats -- continue to be manipulated by political interests. The Mothers of Srebrenica, for example, have had no qualms about criticizing SDWC's efforts publicly, while at the same time, praising SDWC for its efforts in private (Ref D).

#### Comment

19. (C) Despite severe resource constraints, SDWC is continuing to make tangible progress in investigating and prosecuting Srebrenica-related cases. Victims groups and nationalist politicians still expect SDWC to process cases far more quickly, in spite of SDWC's public outreach explaining the difficulties they face. Contacts at the State Court have told us that, despite their complaints about SDWC's lack of progress, Bosniak politicians are not doing enough to ensure that the State Prosecutor's Office and the State Court obtain additional resources to do their work. (Note: The government failed to provide for funding in the 2009 budget to implement the National War Crimes Strategy, which was adopted by the Council of Ministers in December. End Note) Nor have they and the victims' groups publicly raised the alarm about the negative impact the departure of the internationals will have on both institutions if the government does not extend the mandates of internationals

working on war crimes cases. We will continue to stress to our interlocutors the importance of the State Court's and the State Prosecutor's work on war crimes and the need to provide them with political and financial support.

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